

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17521 of 2024

Arising Out of PS. Case No.-358 Year-2022 Thana- GORAUL District- Vaishali

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VISHAL KUMAR S/O- LATE BRIJ NANDAN SINGH R/O- VILLAGE-
CHAKBYAS, P.S.- GORAUL, DIST.- VAISHALI AT HAJIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar

For the Opposite Party/s : Mr. Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 13-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Rabindra Kumar.
2. The petitioner seeks bail in connection with Goraul
P.S. Case No. 358 of 2022 corresponding to Sessions Trial No.
622 of 2023 registered for the offences punishable under
Sections 304(B) and 34 of the Indian Penal Code read with
Sections 3 and 4 of the Dowry Prohibition Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that his daughter (victim/deceased) was married to the
petitioner on 14.07.2021, after marriage, the victim was tortured
for not fulfilling the demand of Bolero vehicle, next alleges that
victim was killed by the accused persons on 14.08.2022 and her
body was hanged from the fan of the room by a *Saree*.



4. Learned counsel for the petitioner submits that petitioner, being husband, has been falsely implicated in the instant case by the informant. It is also submitted that informant is not an eye witness to the occurrence. It is next submitted that during the course of investigation, it transpired that on the date of occurrence, the deceased on several occasion had talked to the petitioner and the last call lasted for 82 seconds, it is also submitted that as per investigation of the C.D.R., it transpired that petitioner, on the date of occurrence, was at Patna City when the deceased was at Goraul, Vaishali. It is further submitted that the postmortem report also discloses that no external injury was found on the body of the victim/deceased. It is next submitted that petitioner is in custody since 07.06.2023.

5. The learned counsel for the petitioner next submits that from the investigation which was carried out, it becomes manifestly clear that petitioner was not present at the place of occurrence where the occurrence took place. It is also submitted that all deaths are not dowry deaths. It is further submitted that the wife of the petitioner (victim/deceased) committed suicide by closing the door from inside.

6. Learned A.P.P. for the State, Mr. Rabindra Kumar, vehemently opposes the regular bail application of the petitioner



and submits that what is not disputed rather stands admitted is that the daughter of the informant died within seven years of marriage and in the instant case within a year, as such, the presumption is also against the petitioner in law. It is next submitted that even presuming what has been submitted by the learned counsel to be true that he was not present at the place of occurrence nor there was any mark of injury on the body of the deceased, but then she committed suicide by hanging, as such, it can well be presumed that the petitioner had created conditions conducive for the victim to take the extreme step of ending her life.

7. Considering the submissions made by the learned APP for the State, the Court is not inclined to extend the privilege of regular bail to the petitioner.

8. Accordingly, the instant regular bail application stands rejected.

(Satyavrat Verma, J)

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